

★ JUN 21 2012 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
IBRAHIM MUSLIM,

Plaintiff,

-against-

MEMORANDUM AND ORDER
12-CV-2199 (JS) (ETB)

P.C. RICHARDS,

Defendant.
-----X

APPEARANCES:

For Plaintiff: Ibrahim Muslim, Pro Se
130 Lowndes Avenue
Apt. C
Huntington Station, NY 11746

For Defendant: No Appearance

SEYBERT, District Judge:

Presently pending before the Court is the pro se Complaint brought by pro se plaintiff Ibrahim Muslim ("Plaintiff") pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as codified, 42 U.S.C. §§ 2000e to 2000e-17, as amended, alleging that the defendant discriminated against him on the basis of his race and religion. Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis.¹ Upon review of the declaration in support of the application to proceed in forma pauperis, the Court determines that the Plaintiff's financial status qualifies him to commence this action without prepayment of the \$350.00 filing fee. See 28 U.S.C. §§ 1914(a); 1915(a)(1).

¹ Plaintiff's original application to proceed in forma pauperis was deficient and Plaintiff was notified by letter dated May 15, 2012. The instant application was filed by Plaintiff on May 29, 2012.

Therefore, Plaintiff's request to proceed in forma pauperis is GRANTED.

Having reviewed the pro se Complaint, the undersigned declines to conclude at this stage that the within action is frivolous or malicious within the meaning of 28 U.S.C. § 1915. While it may be that Plaintiff is unable to prevail on his claim, the Court's uncertainty does not justify dismissal at this early juncture. McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir. 2004). Accordingly, the application to proceed in forma pauperis is GRANTED and the Court orders service of the Complaint without prepayment of the filing fee.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of Plaintiff's Summons, Complaint, and this Order for service upon the Defendant without prepayment of fees. Furthermore, the Clerk is directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: June 21, 2012
Central Islip, New York